

**ASSEMBLY BILL**

**No. 802**

**Introduced by Assembly Member Wolk**

February 18, 2005

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An act to amend Section 65302 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 802, as amended, Wolk. Land use: water supply.

(1) ~~Existing law—The Planning and Zoning Law~~ requires a city or county general plan to include ~~a, among other things, specified land use element and conservation elements~~, requires the city or county to use a water agency's water management plan as a source document upon the adoption or revision of its general plan on or after January 1, 1996, and requires specified public water systems to provide certain information to the city or county planning agency upon notification of the proposed adoption or amendment of a general plan. *That law also provides that the conservation element may cover flood control.*

This bill would require the land use element of the general plan to also consider any urban water management plan prepared and adopted by an urban water supplier that affects the land covered by the general plan. ~~The bill would create a state-mandated local program by imposing new duties on local agencies.~~

*The bill would instead require the conservation element of the general plan to cover flood management and to consider, among other things, the existing water supply and the possible means of using flood water to supplement that supply. By imposing new duties on local public officials, the bill would create a state-mandated local program.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65302 of the Government Code is  
2 amended to read:

3 65302. The general plan shall consist of a statement of  
4 development policies and shall include a diagram or diagrams  
5 and text setting forth objectives, principles, standards, and plan  
6 proposals. The plan shall include the following elements:

7 (a) A land use element that designates the proposed general  
8 distribution and general location and extent of the uses of the  
9 land for housing, business, industry, open space, including  
10 agriculture, natural resources, recreation, and enjoyment of  
11 scenic beauty, education, public buildings and grounds, solid and  
12 liquid waste disposal facilities, and other categories of public and  
13 private uses of land. The land use element shall include a  
14 statement of the standards of population density and building  
15 intensity recommended for the various districts and other  
16 territory covered by the plan. The land use element shall identify  
17 areas covered by the plan which are subject to flooding and shall  
18 be reviewed annually with respect to those areas. The land use  
19 element shall also do all of the following:

20 (1) Designate in a land use category that provides for timber  
21 production those parcels of real property zoned for timberland  
22 production pursuant to the California Timberland Productivity  
23 Act of 1982, Chapter 6.7 (commencing with Section 51100) of  
24 Part 1 of Division 1 of Title 5.

25 (2) Consider the impact of new growth on military readiness  
26 activities carried out on military bases, installations, and  
27 operating and training areas, when proposing zoning ordinances

1 or designating land uses covered by the general plan for land, or  
2 other territory adjacent to military facilities, or underlying  
3 designated military aviation routes and airspace.

4 (A) In determining the impact of new growth on military  
5 readiness activities, information provided by military facilities  
6 shall be considered. Cities and counties shall address military  
7 impacts based on information from the military and other  
8 sources.

9 (B) The following definitions govern this paragraph:

10 (i) "Military readiness activities" mean all of the following:

11 (I) Training, support, and operations that prepare the men and  
12 women of the military for combat.

13 (II) Operation, maintenance, and security of any military  
14 installation.

15 (III) Testing of military equipment, vehicles, weapons, and  
16 sensors for proper operation or suitability for combat use.

17 (ii) "Military installation" means a base, camp, post, station,  
18 yard, center, homeport facility for any ship, or other activity  
19 under the jurisdiction of the United States Department of Defense  
20 as defined in paragraph (1) of subsection (e) of Section 2687 of  
21 Title 10 of the United States Code.

22 (3) Consider any urban water management plan prepared and  
23 adopted by an urban water supplier pursuant to Article 3  
24 (commencing with Section 10620) of Part 2.6 of Division 6 of  
25 the Water Code, that affects the land covered by the general plan.

26 (b) A circulation element consisting of the general location  
27 and extent of existing and proposed major thoroughfares,  
28 transportation routes, terminals, any military airports and ports,  
29 and other local public utilities and facilities, all correlated with  
30 the land use element of the plan.

31 (c) A housing element as provided in Article 10.6  
32 (commencing with Section 65580).

33 (d) (1) A conservation element for the conservation,  
34 development, and utilization of natural resources including water  
35 and its hydraulic force, forests, soils, rivers and other waters,  
36 harbors, fisheries, wildlife, minerals, and other natural resources.  
37 The conservation element shall consider the effect of  
38 development within the jurisdiction, as described in the land use  
39 element, on natural resources located on public lands, including  
40 military installations. That portion of the conservation element

1 including waters shall be developed in coordination with any  
2 countywide water agency and with all district and city agencies  
3 that have developed, served, controlled or conserved water for  
4 any purpose for the county or city for which the plan is prepared.  
5 Coordination shall include the discussion and evaluation of any  
6 water supply and demand information described in Section  
7 65352.5, if that information has been submitted by the water  
8 agency to the city or county. ~~The~~

9 (2) *The conservation element may also cover the following:*

10 ~~(1)~~

11 (A) The reclamation of land and waters.

12 ~~(2)~~

13 (B) Prevention and control of the pollution of streams and  
14 other waters.

15 ~~(3)~~

16 (C) Regulation of the use of land in stream channels and other  
17 areas required for the accomplishment of the conservation plan.

18 ~~(4)~~

19 (D) Prevention, control, and correction of the erosion of soils,  
20 beaches, and shores.

21 ~~(5)~~

22 (E) Protection of watersheds.

23 ~~(6)~~

24 (F) The location, quantity and quality of the rock, sand and  
25 gravel resources.

26 ~~(7) Flood control.~~

27 (3) *The conservation element shall cover flood management*  
28 *which shall include a consideration of all of the following:*

29 (A) *The risk to life and property from reasonably foreseeable*  
30 *flooding.*

31 (B) *The local flood and water supply infrastructure and an*  
32 *explanation of how the proposed plan fits within or requires*  
33 *alteration of that existing infrastructure.*

34 (C) *The existing water supply and possible means of using*  
35 *flood water to supplement that supply.*

36 (D) *The potential means of using flood water to aid in the*  
37 *recharge of groundwater supplies.*

38 (E) *Coordination with, and possible effects on, the general*  
39 *plan's land use element.*

1     (F) *Coordination with state and local agencies involved in*  
2 *flood management issues.*

3     (G) *Storm water retention and drainage.*

4     (H) *Anything else deemed necessary to implement effective*  
5 *flood management measures.*

6     The conservation element shall be prepared and adopted no  
7 later than December 31, 1973.

8     (e) An open-space element as provided in Article 10.5  
9 (commencing with Section 65560).

10    (f) A noise element which shall identify and appraise noise  
11 problems in the community. The noise element shall recognize  
12 the guidelines established by the Office of Noise Control in the  
13 State Department of Health Services and shall analyze and  
14 quantify, to the extent practicable, as determined by the  
15 legislative body, current and projected noise levels for all of the  
16 following sources:

17    (1) Highways and freeways.

18    (2) Primary arterials and major local streets.

19    (3) Passenger and freight on-line railroad operations and  
20 ground rapid transit systems.

21    (4) Commercial, general aviation, heliport, helistop, and  
22 military airport operations, aircraft overflights, jet engine test  
23 stands, and all other ground facilities and maintenance functions  
24 related to airport operation.

25    (5) Local industrial plants, including, but not limited to,  
26 railroad classification yards.

27    (6) Other ground stationary noise sources, including, but not  
28 limited to, military installations, identified by local agencies as  
29 contributing to the community noise environment.

30    Noise contours shall be shown for all of these sources and  
31 stated in terms of community noise equivalent level (CNEL) or  
32 day-night average level ( $L_{dn}$ ). The noise contours shall be  
33 prepared on the basis of noise monitoring or following generally  
34 accepted noise modeling techniques for the various sources  
35 identified in paragraphs (1) to (6), inclusive.

36    The noise contours shall be used as a guide for establishing a  
37 pattern of land uses in the land use element that minimizes the  
38 exposure of community residents to excessive noise.

39    The noise element shall include implementation measures and  
40 possible solutions that address existing and foreseeable noise

1 problems, if any. The adopted noise element shall serve as a  
2 guideline for compliance with the state's noise insulation  
3 standards.

4 (g) A safety element for the protection of the community from  
5 any unreasonable risks associated with the effects of seismically  
6 induced surface rupture, ground shaking, ground failure, tsunami,  
7 seiche, and dam failure; slope instability leading to mudslides  
8 and landslides; subsidence, liquefaction and other seismic  
9 hazards identified pursuant to Chapter 7.8 (commencing with  
10 Section 2690) of the Public Resources Code, and other geologic  
11 hazards known to the legislative body; flooding; and wild land  
12 and urban fires. The safety element shall include mapping of  
13 known seismic and other geologic hazards. It shall also address  
14 evacuation routes, military installations, peakload water supply  
15 requirements, and minimum road widths and clearances around  
16 structures, as those items relate to identified fire and geologic  
17 hazards.

18 (1) Prior to the periodic review of its general plan and prior to  
19 preparing or revising its safety element, each city and county  
20 shall consult the Division of Mines and Geology of the  
21 Department of Conservation and the Office of Emergency  
22 Services for the purpose of including information known by and  
23 available to the department and the office required by this  
24 subdivision.

25 (2) To the extent that a county's safety element is sufficiently  
26 detailed and contains appropriate policies and programs for  
27 adoption by a city, a city may adopt that portion of the county's  
28 safety element that pertains to the city's planning area in  
29 satisfaction of the requirement imposed by this subdivision.

30 SEC. 2. If the Commission on State Mandates determines that  
31 this act contains costs mandated by the state, reimbursement to  
32 local agencies and school districts for those costs shall be made  
33 pursuant to Part 7 (commencing with Section 17500) of Division  
34 4 of Title 2 of the Government Code.